APPENDIX A

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MINUTES, SUPREME COURT OF MISSISSIPPI

MARCH TERM, 1982

Wednesday, March 17, 1982, Court Sitting

 # 53,095

HARKINS & COMPANY, *et al.*

v.

JAMES W. ELLIOTT, JR., *et al.*

This cause having been submitted at a former day of this Term on the record herein from the Chancery Court of Jefferson Davis County and this Court having sufficiently examined and considered the same and being of the opinion that there is no error therein doth order, adjudge and decree that the Decree of said Chancery Court rendered in this cause on the 7th day of January, 1981-be and the same is hereby affirmed. It is further ordered, adjudged and decreed that the appellants do pay all of the costs of this appeal to be taxed for which let proper process issue.

ATTEST

A True Copy
This the 10th day of September, 1982
ROBERT E. WOMACK, Clerk
SUPREME COURT OF MISSISSIPPI

By: /s/ K. GILLIS

APPENDIX B

IN THE
CHANCERY COURT OF
JEFFERSON DAVIS COUNTY, MISSISSIPPI

No. 6573

JAMES W. ELLIOTT, JR., *et al.*
Complainants

vs.

HARKINS AND COMPANY, *et al.*
Defendants

FINAL DECREE

The above styled and numbered cause came on to be heard at the November 1980 term of this Court on December 8, 1980 on Amended Bill of Complaint of complainants James W. Elliott, Jr., Tullius Brady, Donald B. Pierce, E. L. Dunn, Paul D. Smith, C. E. Locklin, Jr. and B. C. Griffith to Confirm and Quiet Title to Oil, Gas and Mineral and Leasehold Interest; Separate Answer and Cross-Bill of John S. Dale, Harold A. Dale, David B. Dale, Irene Dale Polk, Katherine D. Little, James L. Dale, Alberta D. Baylis, Muncie Dale Smith, Ethlyn D. Turnage, Marilyn B. Michael, Ben G. Walden, Jr., Bobbie W. Foster, M. R. Walden, Sr., Madison S. Dale, Frances D. Pillow, Joseph Dale, Betty D. Touchstone, Bess S. Dale, Sarah Dale Polk, Ada Dale Gulledge, Mancie Dale Johnson, Robert M. Dale, Thomas D. Dale, Robin Dale Fuller and Richard S. Dale; Separate Answer and Cross-Bill of Harkins and Company, St. Joe Petroleum (U.S.) Corporation, First Mississippi Corporation, Jerry E. Zoble, A. G. Holzapfel, Trustee for Mississippi-Alabama Employees Trust No. 2 and Harkins and

Company Employees Profit Sharing Plan No. 1., H. B. Harkins, Harry W. Hamilton, Harry W. Hamilton, Agent, James R. Lesch, Raymond M. Holliday, Ray Butler, First Energy Corporation, Granville G. Tunstill, Warren Donaldson, H. D. Lee and Troy Anderson; Separate Answer and Cross-Bill of the Defendant Amerada Hess Corporation; Separate Answer of defendant Transcontinental Gas Pipeline Corporation; Answer of the Cross-Defendants James W. Elliott, Jr., et al., to the Cross-Bill of Cross-Complainants John S. Dale, et al.; Answer of the Cross-Defendants James W. Elliott, Jr., et al., to the Cross-Bill of Cross-Complainants Harkins and Company, et al.; Answer of Cross-Defendants James W. Elliott, Jr., et al., to the Cross-Bill of Cross-Complainant Amerada Hess Corporation; Answer of B. C. Griffith to the Cross-Bill of John S. Dale, et al.; Answer of B.C. Griffith to the Cross-Bill of Harkins and Company, et al.; service of process upon all non-answering parties in the manner and for the time required by law; Motion of Complainants for Decree Pro Confesso and Decree Pro Confesso against defendants Betty D. Mortimer, Wil-Ken, Inc., R. Edwin Dale, Jr., Nancy Dale McAfee, Betty Dale Garner, Mary Dale Wasson, Candel Oil (U.S.), Inc., William A. Yeager, Jr., Trustee, and The First National Bank of Midland, Midland, Texas; and complainants and all answering defendants and cross-complainants and cross-defendants being present or represented by their respective attorneys of record, and the Court having heard, received and considered a stipulation of the parties as to the defendant Transcontinental Gas Pipeline Corporation, and oral and documentary evidence offered by the various parties, and the Court having heard and considered argument of counsel and the Court now being fully advised in the premises doth find, order and adjudicate as follows:

1. That this Court has jurisdiction of the parties and the subject matter.

2. The subject matter of this litigation is the ownership of an undivided 4.25/32nds less 22.5 mineral acre interest in and

to the oil, gas and other minerals in, on and under the following described land:

> SW 1/4 of SE 1/4 of Section 8; SW 1/4 of NW 1/4 and W 1/2 of SW 1/4 of Section 9; and the NE 1/4 of Section 17, Township 5 North, Range 19 West, Jefferson Davis County, Mississippi, LESS AND EXCEPT the right-of-way of the Gulf & Ship Island Railroad and its successors, in, on, over and across the hereinabove described land;

and it is hereby adjudicated that the complainant, B. C. Griffith, is the owner of said undivided 4.25/32nds less 22.5 mineral acre interest in and to the oil, gas and other minerals in, on and under said land, and that the complainants James W. Elliott, Jr., Tullius Brady, Donald B. Pierce, E. L. Dunn, Paul D. Smith and C. E. Locklin, Jr., jointly, are the owners of a good and valid oil, gas and mineral lease covering the aforesaid mineral interest owned by B. C. Griffith, as evidenced by Oil, Gas and Mineral Lease from B. C. Griffith to James W. Elliott, Jr., dated October 14, 1976, and of record in OG&ML Book 100, page 372 of the records in the office of the Chancery Clerk of Jefferson Davis County, Mississippi, and subsequent assignments thereof, as set out in complainants' deraignment of title, and that the title of the complainant B. C. Griffith in and to said undivided interest in and to said oil, gas and other minerals in, on and under the hereinabove land and the oil, gas and mineral leasehold interest of the complainants James W. Elliott, Jr., Tullius Brady, Donald B. Pierce, E. L. Dunn, Paul D. Smith and C. E. Locklin, Jr., be, and the same is, hereby quieted and confirmed as against all of the defendants herein, and that the claims of any and all defendants which cast clouds, doubts or suspicions upon said ownwership be, and they are, hereby cancelled, annulled and held for naught, and that the cross-bills of the cross-complainants John S. Dale, et al., Harkins and Company, et al., and Amerada Hess Corporation be, and they are hereby dismissed with prejudice.

3. That as per stipulation of the parties Transcontinental Gas Pipeline Corporation is simply a stakeholder in this matter and that no evidence was required from Transcontinental Gas

Pipeline Corporation regarding the amount or value of gas and distillate runs from the properties involved in this lawsuit and that the payment by Transcontinental Gas Pipeline Corporation to the defendant oil and gas companies shall continue as it has in the past, but that, although accounting may be necessary in the future, same is not required in the present proceeding.

4. That all costs herein be, and the same are, hereby taxed against the defendants.

5. In the event the defendants herein desire to appeal to the Mississippi Supreme Court and shall desire to supersedeas, bond shall be given by them, payable to the complainants, with two or more sufficient resident sureties, or one or more guaranty or surety companies authorized to do business in the state, in a penalty of $10,000.00, conditioned that they will satisfy the judgment or decree complained of, a supersedeas shall issue once such bond shall have been given.

6. That this Final Decree may be entered in vacation pursuant to agreement of counsel and to Order of this Court dated December 8, 1980.

SO ORDERED, ADJUDGED AND DECREED, this the 7th day of January, A.D. 1981.

/s/ J. W. WALKER

Chancellor

APPENDIX C

MINUTES, SUPREME COURT OF MISSISSIPPI

MARCH TERM, 1982

Wednesday, June 30, 1982, Court Sitting

 # 53,095

HARKINS & COMPANY, *ET AL.*

v.

JAMES W. ELLIOTT, JR., *ET AL.*

This cause this day came to be heard on Petition for Rehearing and this Court having sufficiently examined and considered the same en banc and being of the opinion that the same should be denied doth order that said Petition be and the same is hereby denied.

ATTEST

A True Copy
This the 15th day of September, 1982
ROBERT W. WOMACK, Clerk
SUPREME COURT OF MISSISSIPPI

By: /s/ M. MURPHY

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APPENDIX D

IN THE
CHANCERY COURT OF
JEFFERSON DAVIS COUNTY, MISSISSIPPI

No. 6573

JAMES W. ELLIOTT, JR., *et al.*
COMPLAINANTS AND CROSS-DEFENDANTS

VS.

HARKINS AND COMPANY, *et al.*
DEFENDANTS AND CROSS-COMPLAINANTS

BILL OF EXCEPTIONS

Come now the Defendants, Harkins and Company, et al., pursuant to Mississippi Code Annotated, Section 11-5-73, and other applicable Code Sections, and present and tender this their Bill of Exceptions in order to make the following matter a part of the record in this cause, which matter would not otherside appear of record, said Bill of Exceptions being as follows, to-wit:

1.

At the trial of this matter on December 8, 1980 in term time at the Courthouse in Prentiss, Mississippi, after the presentation of evidence and testimony by the Complainants and Defendants and after the argument of counsel thereon, but before the Court entered into its finding of facts and conclusions of law, the Court made the following statement from the bench:

> "I knew both B. C. Griffith and Robert Dale, they weren't anybody's fools, they were good business men and knowledgeable about the oil business

and would not have put something in the instrument without some reason, unless it meant something."

2.

Defendants respectfully request that this tendered Bill of Exceptions be found correct and be promptly signed by the Judge who presided therein for purposes of making this matter a part of the record in this case.

THIS, the 18th day of December, 1980.

Respectfully submitted,

HARKINS AND COMPANY;
ST. JOE PETROLEUM (U.S.) CORPORATION;
FIRST MISSISSIPPI CORPORATION;
JERRY E. ZOBLE;
A. G. HOLZAPEL, Trustee for Mississippi—Alabama Employees Trust No. 2 and Harkins and Company; Employees Profit Sharing Plan No. 1;
H. B. HARKINS;
HARRY W. HAMILTON;
HARRY W. HAMILTON, AGENT;
JAMES R. LESCH;
RAYMOND M. HOLLIDAY;
RAY BUTLER;
FIRST ENERGY CORPORATION;
GRANVILLE G. TUNSTILL;
WARREN DONALDSON;
H. D. LEE; and
TROY ANDERSON

By: /s/ GLENN GATES TAYLOR

Kenneth I. Franks
Glenn Gates Taylor

Attorneys for Said Defendants

Of Counsel:
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(601) 948-3800

I, the undersigned J. W. WALKER, Chancellor, have examined the above and foregoing Bill of Exceptions and have found it to be correct.

THIS, the 31st day of December, 1980.

/s/ J. W. WALKER

J. W. Walker, Chancellor